

Anne B. Sekel  
Emily A. Beer  
FOLEY & LARDNER LLP  
90 Park Avenue  
New York, New York 10016  
Tel: (212) 338-3417  
Fax: (212) 687-2329

Eileen R. Ridley (admitted *pro hac vice*)  
FOLEY & LARDNER LLP  
555 California St., 17th Floor  
San Francisco, CA 94104  
Tel: (415) 438-6469  
Fax: (415) 434.4507

*Attorneys for Defendant Panera LLC*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JOSE IZQUIERDO, *individually and on behalf of  
all others similarly situated,*

Plaintiff,

v.

PANERA BREAD COMPANY, a/k/a ST. LOUIS  
BREAD CO.,

Defendant.

CIVIL ACTION NO. 18-cv-12127-DAB

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiff's First Amended Class Action Complaint, the Declaration of Emily A. Beer, and the exhibits thereto, and all prior pleadings and proceedings had herein, Defendant Panera LLC ("Panera"), erroneously sued as "Panera Bread Company, a/k/a St. Louis Bread Co.," will move this Court, before the Honorable Deborah A. Batts, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a future time and date to be determined by the Court, for an Order, pursuant to Fed. R.

Civ. P. 9(b), 12(b)(1) and 12(b)(6) dismissing the Complaint of Plaintiff Jose Izquierdo ("Plaintiff") with prejudice, and awarding Panera any such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1(b), answering papers, if any, shall be served within fourteen days after service of the moving papers, and reply papers, if any, shall be served within seven days after service of the answering papers.

Dated: New York, New York  
June 14, 2019

By: 

Anne B. Sekel  
Emily A. Beer  
FOLEY & LARDNER LLP  
90 Park Avenue  
New York, New York 10016  
Tel: (212) 338-3417  
Fax: (212) 687-2329

Eileen R. Ridley (admitted *pro hac vice*)  
FOLEY & LARDNER LLP  
555 California St., 17th Floor  
San Francisco, CA 94104  
Tel: (415) 438-6469  
Fax: (415) 434.4507

*Attorneys for Defendant Panera LLC*